

# **HIPAA Privacy Rule Checklists**

## **Section 164.528 – Accounting of Disclosures**

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**Approved for Public Distribution  
March 29, 2002**

## HIPAA Privacy Rule Checklists Section 164.528 – Accounting of Disclosures

### I. Right to an Accounting of Disclosures of Protected Health Information

- a. \_\_\_\_ An individual has a right to receive an accounting of disclosures of protected health information made by a covered entity in the six years prior to the date on which the accounting is requested, **except** for disclosures:
  - i. \_\_\_\_ To carry out treatment, payment, and health care operations;
  - ii. \_\_\_\_ To individuals of protected health information about them;
  - iii. \_\_\_\_ For the facility's directory or to persons involved in the individual's care or other notification purposes as provided in § 164.510;
  - iv. \_\_\_\_ For national security or intelligence purposes;
  - v. \_\_\_\_ To correctional institutions or law enforcement officials;
  - vi. \_\_\_\_ That occurred prior to the compliance date for the covered entity.
- b. \_\_\_\_ An individual may request an accounting of disclosures for a period of time less than six years from the date of the request.
- c. \_\_\_\_ The covered entity must temporarily suspend an individual's right to receive an accounting of disclosures to a health oversight agency or law enforcement official for the time specified by such agency or official, if such agency or official provides the covered entity with a written statement that such an accounting to the individual would be reasonably likely to impede the agency's activities and specifying the time for which a suspension is required.
  - i. \_\_\_\_ If such a statement is made orally, the covered entity must:
    - \_\_\_\_ Document the statement, including the identity of the agency or official making the statement;
    - \_\_\_\_ Temporarily suspend the individual's right to an accounting of disclosures subject to the statement; *and*
    - \_\_\_\_ Limit the temporary suspension to no longer than 30 days from the date of the oral statement, unless a written statement is submitted during that time.

### II. Accounting Requirements

The covered entity is required to provide the individual with a written accounting that satisfies each of the following:

- a. \_\_\_\_ Except as otherwise provided in Section I, the accounting includes disclosures of protected health information that occurred during the six years (or shorter time, as requested) prior to the date of the request for an accounting, including disclosures to or by business associates of the covered entity;
- b. \_\_\_\_ For each disclosure, the accounting includes:
  - i. \_\_\_\_ The date of the disclosure;

- ii. \_\_\_\_ The name (and address, if known) of the entity or person who received the protected health information;
  - iii. \_\_\_\_ A brief description of the protected health information disclosed; *and*
  - iv. \_\_\_\_ A brief statement of the purpose of the disclosure that reasonably informs the individual of the basis for the disclosure; *or*, in lieu of such statement, (a) a copy of the individual's written authorization to disclose, *or* (b) a copy of a written request for a disclosure, if any.
- c. \_\_\_\_ If, during the period covered by the accounting, the covered entity has made multiple disclosures of protected health information to the same person or entity for a single public policy or compliance investigation purpose, or pursuant to a single authorization, the accounting **may**, with respect to such multiple disclosures, provide:
- i. \_\_\_\_ The information required under subsection 'b' above for the first disclosure during the accounting period;
  - ii. \_\_\_\_ The frequency, periodicity, or number of the disclosures made during the accounting period; *and*
  - iii. \_\_\_\_ The date of the last such disclosure during the accounting period.

### III. **Provision of the Accounting**

- a. **Timely Action.** The covered entity must act on the individual's request for an accounting no later than 60 days after receipt of such request, as follows:
- i. \_\_\_\_ The covered entity must provide the individual with the accounting requested, *or*
  - ii. \_\_\_\_ If the covered entity is unable to provide the accounting within the 60-day limit, the covered entity may extend the time to provide the accounting by now more than 30 days, provided that:
    - \_\_\_\_ The covered entity, within the applicable time limit, provides the individual with a written statement of the reasons for the delay and the date by which the covered entity will provide the accounting; *and*
    - \_\_\_\_ The covered entity may have only one such extension of time for action on a request for accounting.
- b. **Cost.** The covered entity must provide the first accounting to an individual in any 12 month period without charge.
- i. \_\_\_\_ The covered entity may impose a reasonable, cost-based fee for each subsequent request for an accounting by the same individual within the 12 month period, provided that the covered entity informs the individual in advance of the fee and provides the individual with an opportunity to withdraw or modify the request for a subsequent accounting in order to avoid or reduce the fee.
- c. **Documentation.** A covered entity must document, and retain the documentation of, the following:
- i. \_\_\_\_ The written accounting that is provided to the individual under this section; *and*
  - ii. \_\_\_\_ The titles of the persons or offices responsible for receiving and processing requests for an accounting by individuals.